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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,300	12/11/2001	Mikel Gee	120723	1425

23465 7590 09/20/2004
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EXAMINER

KASENGE, CHARLES R

ART UNIT PAPER NUMBER

2125

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,300

Applicant(s)

GEE, MIKEL

Examiner

Charles R Kasenge

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/19/04 have been fully considered but they are not persuasive. The Office reasserts that Ross et al. does disclose remotely removing power to the essential device while maintaining power to the critical device (pg. 2, paragraph 18), wherein said remotely removing power comprises remotely removing the power on receiving an instruction via the Ethernet to remotely remove the power (pg. 7, claim 8). The Ethernet is a form of communications linkage. The Office also reasserts that Ross does disclose an energy storage system configured to store power when power is not supplied to the essential device (pg. 5, paragraph 36). Landsberry discloses capturing a waveform to supply power to a load, and the Office interprets this as being a standard way to supply power to a device (col. 6, lines 33-38). Landsberry provides motivation for using a flywheel as an energy storage device in order to generate continuous power for normal demands of residential, commercial or industrial consumers (col. 3, lines 48-55).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 7-12, 15, 16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ross et al. U.S. Patent Publication 2002/0169523. Referring to claim 1, Ross discloses a method for supplying power, said method comprising: supplying power to at least one critical device (pg. 1, paragraph 10); supplying power to at least one essential device (pg. 1, paragraph 10); and remotely removing power to the essential device while maintaining power to the critical device, wherein said remotely removing power comprises remotely removing the power on receiving an instruction via the Ethernet to remotely remove the power (pg. 1, paragraph 10). The Office interprets a load being a device. The Office interprets the “load management (sharing and shedding) capability for assuring power to critical loads” as remotely removing, or shedding, power to the essential device while maintaining power to the critical device.

Referring to claim 2, Ross discloses a method in accordance with claim 1 wherein remotely removing power comprises remotely removing power to the essential devices while maintaining power to the critical device based on remotely monitoring the supplied power to the critical device and the supplied power to the essential device (pg. 1, paragraph 10).

Referring to claims 7 and 19, Ross discloses an energy management system (abstract) comprising: a generation module (pg. 1, paragraph 10); at least one power distribution unit remote from said generation module and communicatively coupled to said generation module, wherein at least one said power distribution unit is connected to at least one essential device (pg. 1, paragraph 10); and a master control system remote from said generation module and said power distribution unit, said master control system communicatively coupled to said generation module and said power distribution unit (pg. 1, paragraph 10); and an energy storage system

Art Unit: 2125

configured to store power when power is not supplied to the essential device (pg. 5, paragraph 36).

Referring to claims 8 and 9, Ross discloses a system in accordance with claim 7 wherein said generation module comprises at least two power sources, said master control system configured to remotely monitor and diagnose said power sources (pg. 1, paragraph 10). Ross discloses a system in accordance with claim 7 wherein said system further comprises at least two power distribution units remote from said generation module and communicatively coupled to said generation module, at least one said power distribution unit connected to at least one critical device, at least one said power distribution unit connected to at least one essential device, said master control system configured to remotely monitor said generation module and instruct said power distribution unit connected to the essential device to stop supplying power to the essential device (pg. 1, paragraph 10).

Referring to claims 10-12, Ross discloses a system in accordance with claim 7 further comprising a conditioning module communicatively coupled to said generation module and said master control system, said master control system configured to remotely condition power from said generation module (pg. 1, paragraph 10). Ross discloses system in accordance with claim 10 wherein said generation module comprises at least two power sources, said master control system configured to remotely manage which power source provides power (pg. 1, paragraph 10). Ross discloses a system in accordance with claim 11 wherein said at least two power sources comprises: a utility power source; and a generating power source (pg. 1, paragraph 10).

Referring to claims 15, 16, 18, and 20, Ross discloses a system in accordance with claim 9 wherein said generation module comprises at least two power sources, said master control

system configured to remotely manage which power source provides power to said power distribution units (pg. 1, paragraph 10). Ross discloses a system in accordance with claim 15 wherein said at least two power sources comprises: a utility power source; and a generating power source (pg. 2, paragraph 18). Ross discloses a system in accordance with claim 16 further comprising an uninterrupted power supply. Ross discloses a system in accordance with claim 19 wherein said master control system configured to remotely monitor said generation module using a plurality of programmable logic controllers (pg. 1, paragraph 23 and 25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6, 13, 14, and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross as applied to claim 1 above, and further in view of Lansberry et al. U.S. Patent 6,452,289. Ross discloses Ross does not expressly disclose capturing a waveform for the power supplied by the devices and storing power. Referring to claims 3 and 4, Lansberry discloses a capturing a waveform for the power supplied to the critical device; and capturing a waveform for the power supplied to the essential device (col. 6, lines 23-39). Lansberry discloses a method in accordance with claim 3 further comprising: logging data relating to the power supplied to the critical device; logging data relating to the power supplied to the essential device; and trending at least some of the data and the captured waveforms to determine when to remove power from the

Art Unit: 2125

essential devices (col. 6, lines 23-29). Referring to claims 5, 6, 13, 14, and 17, Lansberry discloses a method in accordance with claim 1 further comprising storing power when not supplying power to the essential device (col. 3, lines 48-62). Lansberry discloses a method in accordance with claim 5 wherein said storing power when not supplying power to the essential device comprises storing power with a flywheel energy storage system when not supplying power to the essential device (col. 3, lines 48-62).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine Ross' power management method and Lansberry's power supply. One of ordinary skill in the art would have been motivated to do this since Lansberry discloses maintaining power to critical devices based on unintentional power failures (col. 3, lines 19-25), where as Ross discloses maintaining power to critical devices based on intended conditions. It would be obvious to use Lansberry's detailed components, such as waveform capturing and energy storage, for Ross' power management method and system.

Conclusion

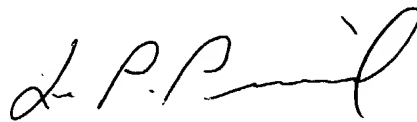
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 703 305-8592. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2125

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK
September 7, 2004

A handwritten signature in black ink, appearing to read "L. P. Picard", with a stylized flourish at the end.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**